

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

IN RE:	§	CASE NO. 14-90038
	§	
RICHARD D. DOMINEY	§	CHAPTER 13
SSN: xxx-xx-4913	§	
COLINDA D. DOMINEY	§	
SSN: xxx-xx-8364	§	
5552 FM 83	§	
Broaddus, Texas 75929	§	
	§	
Debtors.	§	

AGREED ORDER ON RELIEF FROM STAY

CAME ON for consideration the Motion for Relief from Stay filed by 21st Mortgage Corporation. The Court, taking into consideration the agreement between Movant and Debtors, enters the following orders:

ORDERED, ADJUDGED AND DECREED that the Debtors shall tender the following payments directly to 21st Mortgage Corporation at P.O. Box 477, Knoxville, Tennessee 37901 to repay the sum of \$1,935.80 representing the January, 2015 installment of \$1,459.80, plus \$476.00 for attorney's fees and expenses incurred in the filing the Motion for Relief from Stay: (1) \$322.63 on or before February 15, 2015; (2) \$322.63 on or before March 15, 2015; (3) \$322.63 on or before April 15, 2015; (4) \$322.63 on or before May 15, 2015; (5) \$322.63 on or before June 15, 2015; and (6) \$322.65 on or before July 15, 2015. Furthermore, it is,

ORDERED, ADJUDGED AND DECREED that if the Debtors tender all payments from February 15, 2015 through July 15, 2015, as ordered hereinabove, the §362 stay shall remain in full force and effect. But in the event Debtors do not tender any of the payments from February 15,

2015 through July 15, 2015, as ordered, then the §362 stay shall automatically lift without any further action of this Court. Moreover, it is,

ORDERED, ADJUDGED, AND DECREED that in the event the Debtors default under the terms of that certain contract regarding property described as a 2012 Southern Energy Homes, Inc. "E Series EZ 440 4" manufactured home, 15' x 41', 15' x 74, 15' x 74'; Serial Numbers SAD020754ALAACP, SAD020754ALBACP, and SAD020754ALCACP; HUD Label/Seal Numbers NTA1559666, NTA1559667, and NTA1559668, together with all furnishings, fixtures and appliances listed in the contract, or fail in the future to provide proof of insurance or payments for force-placed insurance, or payments for taxes owing in connection with the subject property, then 21st Mortgage Corporation shall deliver by a Notice of Default and Right to Cure and provide the Debtors ten (10) days to cure any default, said Notice being delivered to the Debtors by first class mail at 5552 FM 83, Broaddus, Texas 75929, and to their attorney, Walter David Stephens via email at wdavids@consolidated.net. Should the Debtors fail to cure the default within the ten (10) day grace period allowed by the Notice of Default and Right to Cure, then the §362 stay shall lift without further action of this Court.

No more than two (2) Notices of Default and Right to Cure must be delivered within any twelve (12) month calendar, and therefore, in the event of a third default within a twelve (12) month calendar, the §362 stay shall automatically lift without necessity of delivering Notice of Default and Right to Cure or further action of this Court. It is further,

ORDERED, ADJUDGED AND DECREED that, Debtors shall have thirty (30) days from the entry of this order to provide proof of disputed payments for the payments which are the

subject of this Motion for Relief from Stay. Proof shall consist of a copy of the front and back of a negotiable instrument that has been paid to Movant by the institution on which it has been drawn and has not been credited by Movant to Debtors' account. If said proof is provided on or before thirty (30) days from the entry of this order, then Movant shall credit Debtors' account with said payments.

ORDERED, ADJUDGED, AND DECREED that if necessary, Movant shall be allowed to file an Amended Proof of Claim for any deficiency resulting after recovery and remarketing of the property described herein. It is finally,

ORDERED, ADJUDGED, AND DECREED that this Order is not stayed per Bankruptcy Rule 4001(a)(3).

Signed on 01/06/2015



THE HONORABLE BILL PARKER
UNITED STATES BANKRUPTCY JUDGE

AGREED:

/s/ Shawn K. Brady
Shawn K. Brady
Texas Bar No. 00787126

Attorney for 21st Mortgage Corporation

/s/Walter David Stephens
Walter David Stephens
Texas Bar No. 19162100

Attorney for Debtors